

Appl. No. 10/068,365
Reply to Office Action of June 27, 2003

Remarks

Reconsideration and reversal of the rejections expressed in the Office Action of June 27, 2003, are respectfully requested in view of the following remarks and the application as amended. The present invention relates to a silicone oil emulsion stabilized with soap. The soap is formed in situ from one or more fatty acids, and a cation of a base during the emulsification process.

Claim 1 was rejected under 35 U.S.C. §102(b) as anticipated by EP 0 709 451. Note that in order to enhance the prosecution of the present application, claims 1-20 have been deleted. Claims 21-29 are directed to a method of forming a soap stabilized oil-in-water emulsion.

The EP '451 reference discloses a combination of a silicone anti-foam agent and a specific fatty acid mixture to provide the silicone anti-foam agent for a concentrated liquid detergent, with the detergent thereby remaining stable for prolonged storage. The silicone anti-foam agent and fatty acid mixture may be added to the liquid detergent composition as a pre-mix as such, or as a mixture with other detergent ingredients. The detergent composition is in the form of an emulsion, with the use of surfactants as an emulsifier.

In contrast, the instant invention as presently claimed provides a method of forming a soap stabilized oil-in-water emulsion which is produced by emulsifying a silicone oil with a soap formed in situ by admixing one or more fatty acids having from 8 carbon atoms to 18 carbon atoms and a base during the emulsification. The EP '451 reference merely shows the simple addition of a fatty acid mixture to a detergent composition. Applicant further respectfully contends that although the '451 reference teaches the use of a fatty acid soap, there is no teaching or suggestion in the reference of the emulsion preparative process of the present invention. As shown in the Comparative Examples section of the present specification, a soap of a fatty acid having long carbon chains does not provide the silicone emulsion with prolonged stability. In particular, as shown in Comparative Examples 1 and 3, the soap previously prepared from a fatty acid blend and potassium hydroxide or triethanolamine could not be easily worked with due to high viscosity. The "in situ" formed soap of the present invention enables the production of a stabilized emulsion. The claims as clarified overcome this rejection.

Claims 1-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Edwards et al., U.S. Patent No. 5,523,081. The Office Action states, inter alia, that Edwards et al. do not

Appl. No. 10/068,365
Reply to Office Action of June 27, 2003

specifically teach each of the dependent claims in an example, but that it would have been obvious to combine the components as exemplified in the teachings of Edwards et al.

The Edwards et al. reference relates to a cosmetic composition intended for shaving of the skin in aerosol or post-foaming gel form. The claims have been amended as noted above. Therefore, prima facie obviousness is not established.

For all of the above reasons, it is respectfully contended that the solicited claims define patentable subject matter. Reconsideration and reversal of the rejections expressed in the Office Action of June 27, 2003 are respectfully submitted. The Examiner is invited to call the undersigned if any questions arise during the course of reconsideration of this matter.

Respectfully submitted,

Date: 11/25/03

Richard A. Paikoff
Richard A. Paikoff
Reg. No. 34,892
Duane Morris LLP
One Liberty Place, 1650 Market Street
Philadelphia, PA 19103-7396
tel. 215-979-1853

PH1U138784.1